

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 11884 of 2004(M)

PETITIONER:

**CONTRACT BOTTLING CO. PVT.LTD,
INDUSTRIAL DEVELOPMENT AREA, ANGAMALLY SOUTH,
ERNAKULAM DISTRICT 683 573, REP.BY ITS P & A
MANAGER, V.S.DEVARAJAN.**

**BY ADV. SRI.H.B.SHENOY
SRI.B.ASHOK SHENOY**

RESPONDENTS:

**1. THE ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES' PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, 36/685A, BHAVISHYANIDHI
BHAVAN, P.B.NO.1895, KALOOR, KOCHI -682 017.**

**2. THE ENFORCEMENT OFFICER,
EMPLOYEES' PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, 36/685A, BHAVISHYANIDHI
BHAVAN, P.B.NO.1895, KALOOR KOCHI- 682 017**

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, P.F.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 11884/2004 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTICE NO. KR/KC/15774/PENL DAMAGES/T(2)/2003/PH DT.15/09/03 TO THE PETITIONER BY R1.

EXT.P2. COPY OF THE REPRESENTATION DT. 18/0/03 BY PETITIONER TO R1.

EXT.P3. COPY OF THE ORDER NO.KR/KC/15774/PD/B/T92)/2003 DT. 29/10/03 BY R1.

EXT.P4. COPY OF THE REPRESENTATION DT. 13/11/03 BY PETITIONER TO CENTRAL BOARD OF TRUSTEES OF EMPLOYEES PROVIDENT FUND ORGANISATION.

EXT.P5. COPY OF THE LETTER NO. E. H/27(27)/03/KR DT. 9/12/03 TO PETITIONER BY RPF COMMISSIONER HEAD OFFICE, NEW DELHI.

EXT.P6. COPY OF THE NOTICE NO. KR.KC/15774/DAMAGES CELL(2) 2004 DT. 18/2/04 BY R1 TO THE PETITIONER.

RESPONDENT'S EXHIBITS

NIL.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 11884 OF 2004

Dated this the 8th day of August, 2007.

J U D G M E N T

Petitioner is essentially aggrieved by Exhibit P3 order passed under Section 14B of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. As rightly pointed out by the learned Standing Counsel, the remedy is to approach the Tribunal by way of appeal under Section 7I of the Act.

2. Learned counsel for the petitioner submits that in view of the proceedings pursued before the Central Board of Trustees and before this Court, the time for filing an appeal has run out. Since the petitioner has been bonafide prosecuting its grievances before the Statutory Forums as well as this Court, it is only appropriate that an opportunity is given to the petitioner to pursue the matter before the Tribunal under Section 7I of the Act. Therefore, this writ petition is disposed of as follows.

In the event of the petitioner filing an appeal before the Tribunal within a period of one month from today against Exhibit P3, the appeal shall be treated to have been filed in time.

Thereafter, the Appellate Authority shall dispose of the matter expeditiously. Interim order dated 05.04.2004 will continue till such time.

KURIAN JOSEPH, JUDGE.

smp